

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In Re:)	In Proceedings Under Chapter 13
)	Hon. Barry S. Schermer
BRIGGS & STRATTON)	
CORPORATION, et. al.,)	Case No. 20-43597-399
)	
Debtor.)	
)	Robert A. Breidenbach (ARN 41557MO)
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**RESPONSE OF A.B. BOYD CO.
TO THE PLAN ADMINISTRATOR'S THIRTY-FIRST OMNIBUS
OBJECTION TO CLAIMS (PARTIALLY SATISFIED)**

COMES NOW, A.B. Boyd Co. ("AB Boyd"), by and through its undersigned counsel, and in response to The Plan Administrator's ***Thirty-First Omnibus Objection to Claims (Partially Satisfied)*** (the "Objection") states to this honorable Court as follows:

I. Background

1. On or about August 27, 2020 AB Boyd filed Proof of Claim number 294 in the amount of \$96,914.00. as an unsecured, nonpriority claim under the name of "Boyd Corporation". For unknown reasons, a duplicate claim was filed in the same amount as Proof of Claim number 296 (the "AB Boyd Claims").

2. On or about October 2, 2020, AB Boyd filed an amendment to the AB Boyd Claims (the "Amended Claim") in the amount of \$96,914.00 of which \$31,079.00 was alleged to be an unsecured, nonpriority claim and \$65,835.00 was alleged to be an unsecured, administrative expense claim (the "Amended AB Boyd Claims").

3. Thereafter, on December 16, 2020, this Court entered its ***Stipulation and Agreed Order Resolving Application of A.B. Boyd Co. for Allowance and Payment of Administrative Expense Pursuant to 1 U.S.C. §503(b)(9)*** (the “Stipulation”) [Doc. No. 1437].

4. Pursuant to the Stipulation: (a) AB Boyd was allowed an administrative priority claim under 11 U.S.C. §503(b)(9) in the amount of \$65,835.00 (the “Allowed Administrative Expense Claim”); (b) AB Boyd was determined to hold an allowed unsecured, nonpriority claim in the amount of \$31,079.00 (the “Allowed GUC Claim”); and (c) claim number 296 was disallowed.

5. On or about June 3, 2021 the Plan Administrator filed its ***Eighteenth Ominbus Objection to Claims on the Grounds that Such Claims Have Been Amended and Superseded*** (the “Eighteenth Objection”)[Doc. #1765] in which the Plan Administrator sought disallowance of both of the AB Claims and allowance of the Amended AB Claims. AB Boyd filed a response to the Eighteenth Objection [Doc. #1800] in which AB Boyd stated it did not oppose the relief in said objection as the relief was consistent with the Stipulation.

6. On or about July 8, 2021 the Plan Administrator submitted a proposed order to the Court that allowed both Claim 294 and 296.

7. In the current Objection, the Plan Administrator only addresses Claim 294 and seeks an order that AB Boyd shall only hold and allowed unsecured claim in the amount of the GUC Claim.

II. Argument

8. AB Boyd admits that it has received payment in full of the Allowed Administrative Expense Claim as required under the Stipulation but submits that the post-petition payment of a portion of a pre-petition claim is not a basis to disallow a claim under 11 U.S.C. §§ 101(5) and 502(b). If it were a basis for disallowance, under every

chapter of bankruptcy where a partial distribution was made, a creditor would have to amend its claims over and over, making the court docket and claims registers unnecessarily voluminous and excessively complicated .

9. AB Boyd submits that the Stipulation is the law of the case in this matter and that there is no basis in fact or law to treat any part of the Amended AB Boyd Claims, as amended by the Stipulation, as disallowed.

10. Finally, AB Boyd would respectfully submit that the Objection does not assert or allege any legal or factual basis to rebut the prima facie validity of the Amended AB Boyd Claims and does not present any basis to set aside the Stipulation.

WHEREFORE AB Boyd respectfully prays that the Court enter an order overruling the Objection to the extent it relates to the AB Boyd Claims as amended by the Stipulation and that the Court grant AB Boyd such additional and further relief as is just and proper.

GOLDSTEIN & PRESSMAN, P.C.

By: /s/ Robert A. Breidenbach

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing was served this 30th day of November, 2021, by first-class mail, postage prepaid, to the following parties unless said parties received service by electronic means:

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